

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

JOHNEY LEE LAMPROE

PLAINTIFF

v.

Civil No. 05-5213

JUDGE WILLIAM STOREY; STATE
OF ARKANSAS; WASHINGTON COUNTY,
ARKANSAS; LEANNA HOUSTON, Public
Defender; BILL JONES, Prosecuting
Attorney

DEFENDANTS

O R D E R

Now on this 16th day of May, 2006, comes on for consideration the **Report And Recommendation Of The Magistrate Judge** (document #10) issued February 3, 2006, along with plaintiff's objections thereto (document #11), and the Court, having carefully considered both documents, finds that plaintiff's objections have no merit. They suggest nothing that could alter the impact of absolute judicial, prosecutorial, and Eleventh Amendment immunity on plaintiff's claims, nor do they suggest any way in which defendant Houston could be a state actor for purposes of **§1983**. They likewise do not alter the impact of Heck v. Humphrey, 512 U.S. 477 (1994) on plaintiff's damages claim.

The Court therefore finds that the Report And Recommendation is sound in all respects, and that it should be adopted *in toto*.

IT IS THEREFORE ORDERED that the **Report And Recommendation Of The Magistrate Judge** is **adopted in toto**, and plaintiff's objections thereto are **overruled**.

IT IS FURTHER ORDERED that, for the reasons stated in the **Report And Recommendation Of The Magistrate Judge**, plaintiff's claims against defendants Storey; Houston; Jones; State of Arkansas; and Washington County, Arkansas are **dismissed**.

IT IS FURTHER ORDERED that this case be **remanded** to the Magistrate Judge for further report and recommendation as to the newly added defendant Tim Helder.

IT IS SO ORDERED.

/s/Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE